

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**MAX ORTEGA III,**

**Plaintiff,**

**v.**

**No. 19-cv-0893 JB/SMV**

**DAVID PHANEOF, NOLBERTO DOMINGUEZ,  
JOHN VALDEZ, CORY COCA,  
DERRICK VALDEZ, JOHN GARCIA,  
and JOHN/JANE DOES 7 THROUGH 10,**

**Defendants.**

**ORDER TO CURE DEFICIENCY**

THIS MATTER is before the Court on Plaintiff's Complaint [Doc. 1] and Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 [Doc. 3]. Plaintiff's submission is deficient because Plaintiff has not paid the \$400 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs in proper form. Plaintiff's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 does not comply with the requirements under 28 U.S.C. § 1915 for proceeding in forma pauperis in federal court. It is not made under penalty of perjury, is not signed by Plaintiff, and does not include the six-month inmate account statement required by § 1915(b). *See* [Doc. 3]; *see also* 28 U.S.C. § 1915(a), (b) (2018). Plaintiff must cure this deficiency within 30 days from entry of this Order by *either* paying the full \$400 civil filing fee *or* submitting a proper Application to Proceed in District Court Without Prepaying Fees or Costs that includes a certified copy of Plaintiff's inmate account statement for the six-month period immediately preceding this filing. *See id.* § 1915(a)(2). Failure to cure the designated deficiency within 30 days from entry of this Order may result in dismissal of this action without further notice.

**IT IS ORDERED** that no later than **November 1, 2019**, Plaintiff *either* pay the full \$400 civil filing fee *or* submit a proper Application to Proceed in District Court Without Prepaying Fees or Costs that includes a certified copy of Plaintiff's inmate account statement for the six-month period immediately preceding this filing; and the Clerk is directed to mail to Plaintiff a copy of this Order and two copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**